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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HEITBRINK, JILL LYNNE

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,161

Applicant(s)

EMERLING, DAVID M.

Examiner

Jill L. Heitbrink

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

10/28/05

Specification

1. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because the enumerating of the paragraphs must be done by replacement paragraphs. Applicant's amendment filed May 13, 2005 to the specification on pages 2 and 3 has not been entered since the changes must be by replacement paragraphs.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

2. The disclosure is objected to because of the following informalities: Page 11, paragraph [0030] "Figures 3A-3C" should be changed to --Figures 2A-2C--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 and 17-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The term "class A" in claims 1, 6 and 17 is a relative term which renders the claim indefinite. The term "class A" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The specification only refers to "class A" as being "aesthetically pleasing" (see paragraph [004]) wherein this is clearly an undefined degree as to what is pleasing.

Election/Restrictions

6. This application contains claims 11-16 drawn to an invention nonelected with traverse in the reply filed on Dec. 27, 2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-10 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koseki et al. Pat. No. 5,702,810 taken together with Fujii et al. Pat. No. 6,004,498.

9. Koseki discloses the molding of automotive trim door panels (col. 1, line 19) as shown by the steps in Figures 3a-3g. These steps included actuating a core (movable mold 2b) within a mold cavity (stationary mold 2a'), and injecting the first molten thermoplastic material (rigid resin 1, col. 11, lines 41-42) which has a predetermined density (col. 12, lines 26-32) so as to fill the mold cavity thereby forming a structural element (Fig. 3a). Then, the core is retracted within the mold cavity to provide at least one secondary void within the mold cavity or to a second mold cavity (Fig. 3b, col. 11, lines 49-60). The second molten thermoplastic material (elastomer 3) is injected with a blowing agent (col. 12, lines 33-64) and thus inherently has a density less than the predetermined density of the first molten thermoplastic material. This forms at least one soft-touch area (col. 1, line 18) bonded to and adjacent at least a portion of the structural element. The step of retracting the core including the step of permitting a predetermined lapse of time prior to permitting the structural element to partially cure prior to retracting the retractable core is disclosed at col. 13, lines 16 and 17 of Koseki.

The first and second materials having different colors is disclosed by the type of machine used for injection molding being a two-color molding machine (col. 11, lines 39-40 and col. 12, lines 66-67). Koseki discloses the surface of the mold determines the surface of the material which is "depending on application purposes of the composite molded article, col. 7, lines 17-22. Koseki, col. 11, lines 55-57, discloses that "the inside of the mold 2' may be partly enlarged by moving a movable block set in a part of the stationary mold 2a' or the movable mold 2b. Fujii et al. teaches the forming of a door trim panel assembly wherein a portion of the substrate 230 is part of the exposed area 232. Clearly, the exposed areas of the door trim panel assembly would have a aesthetically pleasing or class-A surface since this portion is exposed to the automobile occupant. It would have been obvious to a person of ordinary skill in the art to provide a portion of the rigid material on the exposed surface of the door trim panel of Koseki depending upon the desired appearance of the exposed surface. Especially, in view of the known moving of a movable block set in a part of the stationary or movable mold in Koseki. The step of injecting a first thermoplastic material including the step of defining a substrate having a plurality of sidewalls that serve as the structural element for an armrest and the second thermoplastic material bonded to and adjacent to a portion of the sidewalls to define a soft-touch area on the armrest would have been obvious in Koseki since armrest are conventionally part of the door panels and would have been an obvious design shape of the mold cavity and core. The step of injecting a first thermoplastic material including the step of defining a substrate that serves as the structural element for a bolster area and the second thermoplastic material bonded to

and adjacent at least a portion of the bolster area would have been obvious in Koseki since a bolster area is conventionally part of the door panels and would have been an obvious design shape of the mold cavity and core.

10. Claims 3, 4, 8, 9, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koseki et al. Pat. No. 5,702,810 taken together with Fujii et al. Pat. No. 6,004,498 as applied to claims 1-10 and 17-21 above, and further in view of Sanok et al. Pat. No. 4,766,025.

11. Sanok teaches that a vehicle interior panel is conventionally known to comprise an armrest and a bolster either in one piece as disclosed in the invention of Sanok or piece-by-piece assembly of the panel as described in the background of Sanok. This armrest as shown in Figure 2 of Sanok has sidewalls on the structural elements (rigid substrate 26) and a second material (soft insert 30 and outer skin 24) bonded and adjacent the portion of the sidewall of the armrest. The step of injecting a first thermoplastic material including the step of defining a substrate having a plurality of sidewalls that serve as the structural element for an armrest and the second thermoplastic material bonded to and adjacent to a portion of the sidewalls to define a soft-touch area on the armrest would have been obvious in Koseki since armrest are conventionally part of the door panels and would have been an obvious design shape of the mold cavity and core. The bolster area (18) as shown in Figure 2 of Sanok is known to have a material defining a substrate that serves as the structural element (bolster supporting insert 28 and rigid substrate 26) for a bolster area and a second material (soft insert 30 and outer skin 24) bonded to and adjacent to a portion of the bolster area.

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The step of injecting a first thermoplastic material including the step of defining a substrate that serves as the structural element for a bolster area and the second thermoplastic material bonded to and adjacent at least a portion of the bolster area would have been obvious in Koseki since a bolster area is conventionally part of the door panels and would have been an obvious design shape of the mold cavity and core.

Response to Arguments

12. Applicant's arguments, see pages 11-17, filed May 13, 2005, with respect to the rejection(s) of claim(s) 1-10 under 35 U.S.C. 102(b) as being anticipated by Koseki et al. Pat. No. 5,702,810 or 35 U.S.C. 103(a) as being unpatentable over Koseki et al. Pat. No. 5,702,810 taken together with Sanok et al. Pat. No. 4,766,025 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fujii et al.

13. Applicant argues that the molding of a door trim panel assembly with both a rigid class-A surface and a soft-touch class-A surface is not taught by the prior art. Door trim panels of this type are known in the art are clearly shown by Goto Pat. 6,342,176, Figures 7 and 8, Japanese Publication 2000-210978, Figure 5, Japanese Publication 2003-127173, Fujii et al. Pat. No. 6,004,498 and European Patent Application 692362.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP


§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill L. Heitbrink whose telephone number is (571) 272-1199. The examiner can normally be reached on Monday-Friday 9 am -2 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill L. Heitbrink
Primary Examiner
Art Unit 1732

jlh